

Ms. Klinker:

Thank you for your interest in the Pesticide General Permit (PGP). The email below described your company as an operator on the a TVA Federally owned campground, and only peripherally involved in “weed and algae pest control.” We commend you for showing initiative when dealing with our states’ regulatory process. However, it appears that you may not need to obtain coverage under the above-referenced general permit, as explained below.

Based on the information provided and from our phone conversation on June 27, 2017, we concluded that your function with respect to pest control is both as a “decision-maker,” as well as an “operator.” However, while your certification allows you to plan to perform pesticide application for your campground, you do not plan to provide professional pesticide application services to individuals, companies, government entities etc. In addition, the area proposed to be treated is BELOW the general permit threshold.

In summary, you don’t have to obtain coverage under the Pesticide general NPDES permit. Of course, nothing in this letter should be construed as providing relief from any Department of Agriculture, FIFRA or any other applicable laws and regulations.

Again, thank you for sharing our interest in protecting waters of the state. If you have questions, please contact the local Environmental Field Office at 1-888-891-TDEC; or, at this office, please contact me at (615) 532-0670 or by E-mail at [Vojin.Janjic@tn.gov](mailto:Vojin.Janjic@tn.gov).



**Vojin Janjic** | Manager, Water-Based Systems  
Division of Water Resources  
William R. Snodgrass Tennessee Tower, 11<sup>th</sup> Floor  
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[tn.gov/environment](http://tn.gov/environment)

We accept and encourage electronic document submittals.

**Please tell us how you think we’re doing by completing this survey:** [TDEC Customer Satisfaction Survey](#)

**From:** [kim-andy@hornsbyhollow.com](mailto:kim-andy@hornsbyhollow.com) [mailto:[kim-andy@hornsbyhollow.com](mailto:kim-andy@hornsbyhollow.com)]

**Sent:** Wednesday, June 28, 2017 12:35 PM

**Subject:** Hornsby Hollow - Milfoil and Hydrilla

Mr. Janjic

I spoke to you yesterday with a question of, do I need a NPDES permit in order to spray non-restricted herbicides to the shoreline area of Hornsby Hollow Campground, a TVA Federally owned campground which my husband and I operate. I am wanting to control and spray the invasive aquatic weeds on the shoreline and coves of Hornsby Hollow Campground. I would be using aquatic non-restricted herbicides such as 24D and/or Copper Sulfate and Diquat in order to control Milfoil and Hydrilla.

Per our conversation yesterday, you explained that I would not require NPDES permit if I am not exceeding the threshold of spraying herbicide to an area greater than 40 acres. The shoreline and coves of Hornsby Hollow Campground are in total 6.5 acres. I have attached a google map for you to view.

You can see below my discussion and response from Kathy Booker, TN Dept of Agriculture.

If you would, please confirm and respond to this email so that I would have something in writing regarding what you told me during our phone conversation.

Thank you so much for your time.

Kim Klinker

Kim and Andy  
Klinker Management LLC

Hornsby Hollow Campground  
379 Hornsby Hollow Campground Lane  
Ten Mile, TN 37880

[www.hornsbyhollow.com](http://www.hornsbyhollow.com)

423-334-  
1709



----- Original Message -----

Subject: RE: Hornsby Hollow - Milfoil and Hydrilla

From: Kathy Booker <Kathy.Booker@tn.gov>

Date: Wed, June 28, 2017 7:19 am

To: "kim-andy@hornsbyhollow.com" <kim-andy@hornsbyhollow.com>

Dear Kim,

As per our conversation on yesterday. You would need to check with TDEC to see if a NPDES (National Pollutant Discharge Elimination System) permit is required. The contact person is Vojin Janjic and his phone number is 615-532-0670. In addition you would need to check with TVA as well.

According to the information you provided, the waters are Federal and you are operator of the Hornsby Hollow Campground. You are requesting to take care of the weeds around that area.. The rule applies to state waters as a result you should be able to make applications according to label directions for the product applied.

Should you have any further questions, don't hesitate to give me a call.

Sincerely,

Kathy



KATHY BOOKER | Pesticide Administrator  
Department of Agriculture  
Pesticide Section  
Ellington Agricultural Center, Porter Building  
P.O. Box 40627,  
Nashville, Tennessee 37204  
(phone) 615-837-5133 (fax) 615-837-5012  
[kathy.booker@tn.gov](mailto:kathy.booker@tn.gov)  
[www.tn.gov/agriculture](http://www.tn.gov/agriculture)

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**From:** [kim-andy@hornsbyhollow.com](mailto:kim-andy@hornsbyhollow.com) [<mailto:kim-andy@hornsbyhollow.com>]  
**Sent:** Tuesday, June 27, 2017 1:57 PM  
**To:** Kathy Booker  
**Subject:** RE: Hornsby Hollow - Milfoil and Hydrilla

**\*\*\* This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. - STS-Security\*\*\***

Ms. Booker, thank you for your phone call today in response to my question on my legal ability to spraying non restricted herbicide on invasive aquatic weeds at Hornsby Hollow Campground on Watts Bar Lake.

Would you mind replying to this email with the instruction and information you gave to me on the phone. I think it would be helpful to have a written response from you to share with TDEC and TVA.

Thank you!  
Kim Klinker

Kim and Andy  
Klinker Management LLC

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423-334-1709

----- Original Message -----

Subject: [FWD: RE: Hornsby Hollow - Milfoil and Hydrilla]

From: <[kim-andy@hornsbyhollow.com](mailto:kim-andy@hornsbyhollow.com)>

Date: Wed, March 08, 2017 11:41 pm

To: [kathy.booker@tn.gov](mailto:kathy.booker@tn.gov)

Ms. Booker, I am reaching out to you for guidance and information. Brett Hartis, Aquatic Plant Management Program with TVA, said you might be able to help me. My husband and I have a long term land easement with TVA to run Hornsby Hollow Campground on Watts Bar Lake. This campground is located in a small town called Ten Mile, TN. Hornsby Hollow is a 54 acre peninsula with 4 large coves. I'm not sure if you are familiar with long term land easement agreements with TVA, but simply TVA give us the ability to operate the campground within certain guidelines leaving all expenses such as maintenance and capital improvements up to us. TVA spends zero money on Hornsby Hollow, we pay for everything and we pay TVA 6% of gross revenue each year. For that, we have had the opportunity to operate this campground which we enjoy so much.

The issue of aquatic weed invasion on Watts Bar Lake is most likely the hardest financial impact and burden we will face, for one reason, it may never go away. Every year, Andy and I donate large portions of our profits to upgrading and investing in capital improvements to this campground. I would be happy to share our long list of improvements with you, but won't fill up this email with that. We took over this deteriorated campground in 2006 and have transformed it overtime, knowing that TVA has a long term commitment to us so that we might make our money back. Personally funding large amounts of money on capital improvements to federal property is one thing, but to now have to pull a sizable portion of this budget to fight aquatic weeds, that continually comes back year after year, is very difficult. At least with a capital improvement, we make a large investment, but then it is done.

At the beginning, there were some mixed answers in asking the question, "Can I control invasive aquatic weeds if I am state certified by passing the CAT 5 exam?". I understood that without being a licensed operator in the state of TN, I could not purchase or spray restricted pesticides. However, aquatic weed pesticides are not restricted, so I thought the answer was somewhat unclear. I wanted to become more educated on aquatic weeds and hoped that my husband and I, if both are CAT 5 certified, could spray non restricted pesticides to control this issue and lessen the huge financial burden in hiring a commercial licensed aquatic weed operator. I passed the CAT 5 exam last Thursday.

I now know this:

#### 0080-09-04-.10 REQUIREMENTS FOR LICENSEES IN AQUATIC WEED CONTROL.

Any person applying herbicides in state waters for the control of aquatic weeds must be under the direct supervision of pest control operator licensed and certified in Aquatic Pest Control.

Authority: T.C.A. §§ 4-3-203 and 62-21-118. Administrative History: Original rule filed April 1, 2016; effective June 30, 2016.

This is what I am requesting:

Would TDA consider an exception to the campground operators of TVA owned land if the campground operator is CAT 5 certified? Or place the Certified Applicator (me) under the direction and supervision of a TDA designated person or office?

We are unlike a commercial or privately owned campground or marina for the fact that we do not own this campground. It is Federal property under TVA. If I am certified and licensed (educated on aquatic weed control to state standards) why can I not be considered capable of spreading non restricted pesticides to the shorelines at this campground at no charge to the public or any individual. Farmers, who produce the food we eat, have these allowances to spread pesticides to their crops. As I mentioned, the potential aquatic weed issue we could be faced with will have a great effect on this campground and will move our funding for capital improvements to paying the high cost of hiring a commercial company to control our aquatic weed issue.

Please know that I am just looking for a legal solution. I am wanting the ability to control this issue directly to save cost while following the law and providing a balance between the public use needs and the needs of a healthy lake environment, in partnership with TVA. This is why I have educated myself on aquatic weeds control and took the CAT 5 exam.

What would be my next step in requesting TDA for an exception to this ruling?

You can find a Google Earth picture of Hornsby Hollow Campground on our web page under the Site Map tab at [www.hornsbyhollow.com](http://www.hornsbyhollow.com)

I am uncertain of the total water surface acreage of our 4 coves, but it is very large.

Hornsby Hollow will be the most threatened campground (including marinas) regarding invasive aquatic weed control on Watts Bar Lake based on the shoreline footage and the number of coves that will require treatment.

Below is my discussion with Brett Hartis.

Thank you and best regards, Kim

Kim and Andy  
Klinker Management LLC

Hornsby Hollow Campground  
379 Hornsby Hollow Campground Lane  
Ten Mile, TN 37880

[www.hornsbyhollow.com](http://www.hornsbyhollow.com)

423-334-1709

----- Original Message -----

Subject: RE: Hornsby Hollow - Milfoil and Hydrilla

From: "Hartis, Brett Michael" <[bmhartis@tva.gov](mailto:bmhartis@tva.gov)>

Date: Mon, March 06, 2017 9:22 am

To: "'[kim-andy@hornsbyhollow.com](mailto:kim-andy@hornsbyhollow.com)'" <[kim-andy@hornsbyhollow.com](mailto:kim-andy@hornsbyhollow.com)>

Hi Kim and Andy,

I completely understand your frustration with the issue. I would suggest reaching out to the folks at TDA regarding your situation. Another point of contact might be Kathy Booker, Pesticide Administrator for the Department of Agriculture. She has been involved in this process with other folks around the Valley on this issue as well. Her contact is 615-837-5133 or by email [Kathy.booker@tn.gov](mailto:Kathy.booker@tn.gov). Please don't hesitate to let me know if there is anything else I can do on my end.

BMH

**From:** [kim-andy@hornsbyhollow.com](mailto:kim-andy@hornsbyhollow.com) [<mailto:kim-andy@hornsbyhollow.com>]

**Sent:** Friday, March 03, 2017 9:10 AM

**To:** Hartis, Brett Michael

**Subject:** RE: Hornsby Hollow - Milfoil and Hydrilla

**TVA External Message. Please use caution when opening.**

Well I guess that answers my question. So now that I passed the CAT 5, for me to accomplish my goal, I need to find a licensed and certified Aquatic Pest Control company to hire me at no wage with my only job being Hornsby Hollow Campground. I wish there were some exceptions to this rule. If I am certified and licensed (educated on aquatic weed control to state standards) why can I not be considered capable of spreading non restricted pesticides to the shorelines at this campground at no charge to the public or any individual. Farmers, who produce the food we eat, have these allowances to spread pesticides to their crops. As I mentioned, the potential aquatic weed issue we could be faced with will have a great effect on our business and will move our funding for capital improvements on this TVA campground to now paying the high cost of hiring a commercial company to control our aquatic weed issue. Who do I need to talk to that has the ability to revise this ruling?

Kim and Andy  
Klinker Management LLC

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Ten Mile, TN 37880

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423-334-1709

----- Original Message -----

Subject: RE: Hornsby Hollow - Milfoil and Hydrilla

From: "Hartis, Brett Michael" <[bmhartis@tn.gov](mailto:bmhartis@tn.gov)>

Date: Fri, March 03, 2017 9:46 am

To: "'[kim-andy@hornsbyhollow.com](mailto:kim-andy@hornsbyhollow.com)'" <[kim-andy@hornsbyhollow.com](mailto:kim-andy@hornsbyhollow.com)>

Kim,

I just received this from our internal folks who have also been digging into this questions. It does appear that you must be under the direct supervision of a licensed applicator to apply aquatic herbicides to waters of the state. Please see the below:

0080-09-04-.10 REQUIREMENTS FOR LICENSEES IN AQUATIC WEED CONTROL.

Any person applying herbicides in state waters for the control of aquatic weeds must be under the direct supervision of pest control operator licensed and certified in Aquatic Pest Control.

Authority: T.C.A. §§ 4-3-203 and 62-21-118. Administrative History: Original rule filed April 1, 2016; **effective June 30, 2016.**

**From:** Hartis, Brett Michael  
**Sent:** Friday, March 03, 2017 8:36 AM  
**To:** 'kim-andy@hornsbyhollow.com'  
**Subject:** RE: Hornsby Hollow - Milfoil and Hydrilla

Hi Kim,

I dug up this old email I think you were referring to. Great speaking with you. As I mentioned, you will want to contact the folks at the Tennessee Department of Agriculture.

If you are just looking at the certification and what that entails in terms of what you can and can't do, I suggest contacting –

Gerry Mires - 615-837-5232 - [gerry.mires@TN.gov](mailto:gerry.mires@TN.gov)

For more information on certification and licensing, I suggest contacting –

Mary Borthick - 615-837-5310 - [Mary.Borthick@TN.gov](mailto:Mary.Borthick@TN.gov)

For more information on certification, licensing and charters, and the laws behind what we discussed, have a look at <https://www.tn.gov/agriculture/article/ag-licenses-pest-control> and see the attached.

Please let me know if I can be of further help,

**Brett M. Hartis, Ph.D.**  
Program Manager  
Aquatic Plant Management Program  
Tennessee Valley Authority  
[bmhartis@tva.gov](mailto:bmhartis@tva.gov)  
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**From:** [kim-andy@hornsbyhollow.com](mailto:kim-andy@hornsbyhollow.com) [<mailto:kim-andy@hornsbyhollow.com>]  
**Sent:** Friday, September 30, 2016 7:14 PM  
**To:** Hartis, Brett Michael  
**Subject:** RE: Hornsby Hollow - Milfoil and Hydrilla

**TVA External Message. Please use caution when opening.**

Thanks for your help. Andy and I will not be available to meet next week, but can the week after that, week of October 9th.

Kim and Andy  
Klinker Management LLC

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423-334-1709

----- Original Message -----

Subject: Re: Hornsby Hollow - Milfoil and Hydrilla

From: "Hartis, Brett Michael" <[bmhartis@tva.gov](mailto:bmhartis@tva.gov)>

Date: Fri, September 30, 2016 12:44 pm

To: "[kim-andy@hornsbyhollow.com](mailto:kim-andy@hornsbyhollow.com)" <[kim-andy@hornsbyhollow.com](mailto:kim-andy@hornsbyhollow.com)>

Cc: "Chartrand, Keri Johnson" <[kjohnson@tva.gov](mailto:kjohnson@tva.gov)>

Hi Kim and Andy,

I would be more than happy to meet with you on the issue. Let's see if we can't schedule something in the next few weeks. I may be up that way next week but won't know until sometime Monday. Also, I can send a list of licensed applicators in the state of Tennessee if you would like. We contract out management as well with TVA staff determining when, where, and what type of management will take place in public access areas.

Brett M. Hartis, Ph.D.  
Program Manager  
Aquatic Plant Management Program  
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Phone: (256)-891-6607  
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On Sep 30, 2016, at 11:40 AM, "[kim-andy@hornsbyhollow.com](mailto:kim-andy@hornsbyhollow.com)" <[kim-andy@hornsbyhollow.com](mailto:kim-andy@hornsbyhollow.com)> wrote:

**TVA External Message. Please use caution when opening.**

Mr. Hartis,

I think it would be helpful for us to meet with you. I'm not sure if you have been to Hornsby Hollow Campground, but it is blessed with a massive amount of lakefront shoreline, which in turn is going to make Milfoil and Hydrilla weed control very expensive. We would like to understand the issue more and pick your brain for suggestions in how we should move forward with maintenance. I imagine you are a very busy person. Any chance you would be in our area to visit us at the campground?

Thank you!

Kim

Kim and Andy  
Klinker Management LLC

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Ten Mile, TN 37880

[www.hornsbyhollow.com](http://www.hornsbyhollow.com)

423-334-1709

----- Original Message -----

Subject: Re: Hornsby Hollow - Milfoil and Hydrilla  
From: "Hartis, Brett Michael" <[bmhartis@tva.gov](mailto:bmhartis@tva.gov)>  
Date: Mon, September 26, 2016 9:51 am  
To: "'[kim-andy@hornsbyhollow.com](mailto:kim-andy@hornsbyhollow.com)'" <[kim-andy@hornsbyhollow.com](mailto:kim-andy@hornsbyhollow.com)>  
Cc: "Chartrand, Keri Johnson" <[kjohnson@tva.gov](mailto:kjohnson@tva.gov)>, "Pulliam, Aurora Moldovanyi" <[admoldovanyi@tva.gov](mailto:admoldovanyi@tva.gov)>  
Good morning Mr. and Mrs. Klinker,

I received your message to Ms. Pulliam and Ms. Chartrand from the past few weeks. I have been out most of the last two weeks conducting a camp in Tennessee for teachers so I have to apologize for my delayed response. I was actually in the Hornsby Hollow area a few weeks ago doing surveys for aquatic plants, so I can completely see with your frustration with the issue.

As I am sure you are aware, aquatic plants have made resurgence in the Valley, especially the past few years in Watts Bar. Eurasian watermilfoil or "Milfoil" in particular has been around since the early 60's, but has also seen increases in the past few years. Milfoil has a tendency to rotate on a "boom and bust" cycle and can come on strong for a number of years, then simply disappear for a while, and then potentially come back again. Hydrilla is a little newer to our reservoirs, and can be equally or even more aggressive than milfoil. The growth of both of these species is mostly dictated by environmental factors (water flow, precipitation, etc) particularly the weather. Just like other plants, aquatic plants need light and warm temperatures to grow. For example, if we have a mild winter followed by a warm spring (similar to this year and last), then plants can get an early jump and grow rapidly with increased sunlight and warm temperatures. If we have a cold winter and cool, wet spring, growth can sometimes be stifled. From our surveys in the past few weeks, Watts Bar vegetation is primarily a mix of Eurasian watermilfoil and Brittle/ Spiny leaf naiad and is mostly isolated to the thief-neck island area with satellite colonies elsewhere in the Reservoir.

I have received a number of calls from Watts Bar in 2016 regarding what can be done about these plants, most often regarding management in residential and commercial shoreline areas. The truth is, eradication simply isn't feasible as these plants are very aggressive and have some rather amazing means of survival (i.e. spread via fragmentation, survival by rootcrowns) which I would be glad to discuss with you further should you be interested. Those survival mechanisms, coupled with the sheer breadth of water resources in the valley make it all but impossible to consider eradication. Because of this we have to take a slightly

different approach, focusing on management and minimization of plant impacts in high use, developed public access areas. Unlike the early years of the program (when we received appropriated funding) our funding now comes solely power revenue. Therefore we are currently committed to providing access along developed public shorelines (public boat access, parks, without fee areas, etc) and currently do not manage residential or commercial shoreline. The 2016 growing season is coming to an end and we have concluded all management activities for FY 16 last week. Because most of these plants are herbaceous perennials, they are currently at their "peak" in growth and will begin to die back with the onset of fall and cooler temperatures.

If you are interested in contracting management next year, I have a fairly extensive list of applicators in the State of Tennessee that I have attached and would be more than happy to walk you through it.

In any case, I would be glad to answer any other questions you may have. Let me know how best I can help and I will be glad to do it.

Have a wonderful rest of the week,

BMH

**Brett M. Hartis, Ph.D.**

Program Manager

Aquatic Plant Management Program

Tennessee Valley Authority

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